

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**COMMONWEALTH OF
PENNSYLVANIA,**

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

NO. 2:17-cv-04540-WB

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Commonwealth of Pennsylvania, by and through its undersigned counsel, hereby files this Motion for Preliminary Injunction, requesting that this Court enter an Order enjoining Defendants Donald J. Trump, President of the United States; Eric D. Hargan,¹ Acting Secretary of the United States Department of Health and Human Services; the United States Department of Health and Human Services; Steven T. Mnuchin, Secretary of the United States Department of the Treasury; the United States Department of the Treasury; Rene Alexander Acosta, Secretary of the United States Department of Labor; and the United States Department of Labor; and their agents, designees, and subordinates, as well as any person acting in concert or participation with them, from enforcing the following Interim Final Rules (the “Rules”):

a) Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act (filed Oct. 6, 2017); and

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Eric D. Hargan is automatically substituted for Donald J. Wright as a defendant in this matter.

b) Moral Exemptions and Accommodations for Coverage of Certain Preventive Services

Under the Affordable Care Act (filed Oct. 6, 2017).

As set forth in the contemporaneously filed Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction, the Commonwealth satisfies the necessary requirements to establish that injunctive relief is warranted. The Commonwealth will show that:

1. The Commonwealth is likely to succeed on the merits of its claim that the Rules are unlawful. The Rules purport to authorize employers and other providers of group health coverage to exempt themselves from the legal requirement that they provide coverage for contraceptive services without cost-sharing requirements. They are both procedurally and substantively defective, having been issued in violation of the Administrative Procedure Act, the Affordable Care Act, Title VII of the Civil Rights Act and the Pregnancy Discrimination Act, the equal protection guarantee of the Fifth Amendment, and the Establishment Clause of the First Amendment.

2. The Rules will cause irreparable harm to the Commonwealth of Pennsylvania and its citizens. They will impose costs on the Commonwealth, which are unrecoverable in any subsequent action. These will include costs associated with providing necessary contraceptive care to women who are denied it, and costs associated with treating health conditions experienced by women who are unable to obtain contraceptive care. The Rules will jeopardize the health of the Commonwealth's female citizens, and will impose additional costs on these women and their families, thus causing harm to the Commonwealth's interest in protecting the health, safety, and well-being of its citizens. All of these injuries are the direct result of Defendants' actions.

3. The public interest strongly favors an injunction. Women will face serious medical and financial injury if an injunction is not issued, and the Commonwealth will suffer direct financial harm, including harm to several vital health programs it funds. Defendants will not suffer any meaningful harm as a result of an injunction, and will, in fact, be in the same position they would have been in had they followed the proper procedure in issuing the Rules.

Plaintiff respectfully requests that the Court schedule a hearing for the purpose of presenting witness testimony and oral argument in support of this Motion. This Motion is supported by the contemporaneously filed Memorandum of Law, the accompanying declarations and exhibits, Plaintiff's Complaint, and any additional submissions that may be considered by the Court.

Respectfully submitted,

JOSH SHAPIRO
Attorney General
Commonwealth of Pennsylvania

November 2, 2017

/s/ Jonathan Scott Goldman
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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document, and any attachments thereto, to be electronically filed with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: November 2, 2017

/s/ *Jonathan Scott Goldman*
JONATHAN SCOTT GOLDMAN